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August 17, 2023

VIA ECF

Honorable Cathy Seibel
United States District Court
for the Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4510

Re: *Copeland v. Westchester Community Opportunity Program, Inc.
and Charlene Blackwood, Individually*
Case No.: 7:23-cv-00060

Dear Judge Seibel:

We were retained on August 15th to represent both defendants in the referenced action.

We noted our appearances to plaintiff's counsel and advised that the reason for the late appearance related to some confusion between carriers. As the Court is aware, in a "claims made" policy, the carrier on the risk when the claim was made, here January 2023, is often the carrier covering the risk. Here, there were issues alleged that may have implicated the predecessor carrier. We were advised that each carrier thought the other carrier would appoint counsel. The predecessor carrier retained our firm to protect the interests of both defendants.

Having advised plaintiff's counsel Steven Fingerhut, Esq., and Zachary Randall, Esq., of the cause of the delay, they graciously agreed to withdraw the Order to Show Cause, wave the default, and with the Court's consent, extend defendants' time to respond to the complaint for 30 days – to September 15, 2023.

We ask the Court to allow the default motion to be withdrawn and grant defendants 30 days to respond to the complaint.

We thank you Honor for their consideration of the request.

Very truly yours,

s/Jack Babchik

Jack Babchik

Pursuant to the parties' agreement, Plaintiff's motion for default judgment is withdrawn. The previously scheduled 9/5/23 Show Cause Hearing is canceled. Defendants shall have until September 15, 2023 to respond to the Complaint. The Clerk of Court is respectfully directed to terminate the instant motion and ECF No. 17.

SO ORDERED.

A handwritten signature in purple ink that reads "Cathy Seibel". Below the signature, the text "CATHY SEIBEL, U.S.D.J." is printed in a small, sans-serif font.
CATHY SEIBEL, U.S.D.J.

8/18/23